**Decatur County Board of Elections and Registration**

**Decatur County Elections Office, Courthouse Annex**

**122 W. Water St.**

**Bainbridge, GA 39817**

**October 8, 2019**

**Call To Order**

**Administrative Notes and Announcements**

The regular meeting of the Decatur County Board of Elections and Voter Registration was called to order by Board Chairman Keith Sellars at 6:30 p.m., and stated that the meeting had been duly advertised in the newspaper, and on the appropriate building properly identifying meeting date, time and location as required by governing laws.

**Public Participation**: None

**Board Members present: Staff present:**

Board Chairman Keith Sellars Carol P. Heard, Chief Elections Official

Board Vice Chairman Beverly Holmes Board Attorney Bruce Kirbo Jr.

Board Member Johnny Brown Margaret Bryant, office staff

Board Member Gina Burke City Council Candidate Ted Lee

Board Member Dan Provence James Conger, representative of the state Democratic Party

Dominion Voting technician Dedrick Smith

Poll workers Billy Ward, Suzan Yates, Melba Andrews, Edith Miller, Emma Sales and Patricia Williams

**Approved Minutes**

Board Member Dan Provence made a motion to accept the minutes from the Sept. 10, 2019, regular meeting. Board Member Beverly Holmes seconded the motion. Motion passed unanimously.

**Budget**

Chairman Keith Sellars said the Board is unable to review the latest budget because the county office was unable to produce a copy of it because of the county transferring computer programs.

**Old Business**

1. **Scheduled Open House on Oct. 9 with Secretary of State Brad Raffensperger**

Chief Elections Officials Carol Heard summarized the schedule for the regional meeting and the open house and invited everyone to come.

**New Business**

1. **Qualifications of city council candidate Ted Lee**

County Attorney Bruce Kirbo Jr. said the collective body of the superintendent of elections as outline in Georgia Elections Code is the Board of Elections. Any time prior to the election, the superintendent of the election can question the qualifications of a candidate prior to an election. Mr. Kirbo said on Aug. 23, 2019, Ted Lee filed a notice of candidacy for District A, Seat 2, of the Bainbridge City Council. When he filed the notice, he stated he had never been convicted of crime of moral turpitude. On or about Sept. 26, there was a letter from James W. Conger to Ted Lee and copied to Chief Elections Official Carol Heard, and a letter dated Oct. 2 addressed to Bruce Kirbo. In those letters, Mr. Conger called into question the qualifications of Mr. Lee to be a candidate in the General Municipal Election. Mr. Conger said Mr. Lee had been convicted of a felony involving moral turpitude and his right to hold public office had not been restored.

Mr. Kirbo said Mr. Conger provided some legal cases and two state statutes that Mr. Lee’s felonies were in fact felonies involving moral turpitude. Mr. Kirbo said Mr. Lee has provided information upon request concerning this case, and he felt he was not trying to hide from anything related to his prior criminal record.

In 1997, Mr. Lee pleaded guilty in the U.S. District Court of Northern Florida to a felony of giving a false statement while making an application for a U.S. Passport. About that same time, he pleaded guilty in the U.S. Federal Court of the Middle District of Georgia to marijuana possession with intent to sell, distribute or dispense. Mr. Kirbo concluded that both of those crimes were crimes involving moral turpitude.

Mr. Kirbo said he wasn’t relaying that information to make any judgments on Mr. Lee, but simply to inform the members of the Board of Elections to their responsibility on determining the qualifications of candidates for public office. Mr. Kirbo stated the Board’s options, which were to allow the election to proceed or hold a hearing as outlined in Georgia Election Code § 21-2-8.

City Council candidate Ted Lee handed to the board members a copy of a statement he’s been giving to voters. Mr. Lee said he was upfront about his earlier convictions to Chief Elections Official Carol Heard at the time of his qualification. At that time, Ms. Heard said if it’s been 10 years since his sentence was completed, he would qualify to run for public office. He said he doesn’t believe moral turpitude describe himself, and that if it wasn’t for minimum sentences, the judge told Mr. Lee he would not have been sentenced to jail time.

Chairman Keith Sellars said it was his opinion that the Board of Elections cannot simply do nothing and allow the election to proceed. That it must hold a hearing based on the facts presented to the members of the board. Chairman Sellars asked his fellow board members to offer a motion to hold a hearing on the qualifications of Ted Lee to run for Bainbridge City Council. Board member Dan Provence offered the motion, Board Member Johnny Brown seconded the motion. Motion passed unanimously.

Sellars polled the members on when the best time to hold the hearing may be. The board determined that the hearing would be at 8:15 a.m. on Friday, Oct. 11, at the Board of Elections Office. Sellars invited Mr. Lee to attend. Board Member Gina Burke made the motion on the hearing time and date, Board Member Dan Provence seconded the motion. Motion passed unanimously.

Attorney James Conger said he brought this up because a client of his asked him to look into it. He said that Mr. Lee and perhaps most people in this room thought that if your voting rights were restored that your right to hold office is restored as well. Moral turpitude has been decided by the courts, and is not determined on a case by case basis, Mr. Conger said.

1. **Consideration of requesting renovation/construction funds for a proposed new SPLOST.**

Chief Elections Official Carol Heard said she was talking with County Administrator Alan Thomas on the County Commission contemplating a renewal of the Special Purpose Local Option Sales Tax. There may be a possibility of having some elections-related items such as renovating the VFW building in West Bainbridge, the Fairgrounds and the Annex be added to the proposal.

Chairman Sellars said the items for consideration fall within that, and he said he thought it was a good request.

Board member Gina Burke said the board needs to be pro-active, especially with the West Bainbridge precinct.

Chairman Sellars instructed CEO Heard to continue to pursue elections-related capital funding proposals for the future and report back to the Board.

1. **Discussion of public records requests.**

The Elections Office has received a very detailed open records requests, and it was forwarded to County Attorney Bruce Kirbo for a proper response.

**Adjournment --** The meeting adjourned at 7:28 p.m.